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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

SECURITY COUNCIL
Forty-ninth year

Letter dated 27 June 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a forensic report prepared by Mr. Derrick J. Pounder, Head of the Department of Forensic Medicine at the University of Dundee, Scotland (see annex), and to refer to our previous information concerning the inhuman act perpetrated by the authorities of the Republic of Armenia - the execution of Azerbaijani prisoners-of-war and hostages in the prisoners' camp near the town of Spitak, Republic of Armenia, on 15 February 1994 (see S/1994/206, A/48/922-S/1994/393 and A/48/929-S/1994/471).

The findings of Mr. Pounder refuted the assertion that they were allegedly "killed while attempting to escape", as was stated on 16 February 1994 by the press service of the Ministry of Foreign Affairs of the Republic of Armenia in order to misinform the international community, and confirmed the conclusion of the forensic examination carried out by Azerbaijani experts that the killing of the prisoners was premeditated and deliberate.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the forty-eighth session of the General Assembly, under agenda item 114 (b), and of the Security Council.

(Signed) Yashar T. ALIYEV
Chargé d'affaires a.i.

ANNEX

Forensic report prepared by the Head of the Department of Forensic Medicine at the University of Dundee, Scotland

On the instruction of the State Commission on War Prisoners, Hostages and Missing Persons of the Azerbaijani Republic, I, Derrick John Pounder, performed post-mortem examinations on the bodies of 10 persons at the Forensic Medicine and Anatomical Pathology Institute of the Scientific Practical and Training Board of the Ministry of Public Health of the Republic of Azerbaijan in the city of Baku. The autopsy examinations began at 1150 hours on Thursday, 7 April 1994, and finished at 1610 hours on Friday, 8 April 1994.

The bodies were identified to me by Dr. Zabit Mamedov as those deceased war prisoners whose bodies were released by the Republic of Armenia and transferred by representatives of the International Committee of the Red Cross to Baku, Azerbaijan, on 23 March 1994 and subsequently examined by Dr. Mamedov on 23 and 24 March 1994. The bodies were individually identified to me prior to each autopsy examination by Dr. Zabit Mamedov, Dr. Mansur Buniatov, Dr. Vugar Mamedov and Mr. Igor Kravets (mortuary technician) were present throughout.

As a result of my examinations I prepared 10 individual autopsy reports relating to each of the deceased. I concluded that the causes of death were as follows:

Case 1. AGEV, Roustam (Ramazan ogly). Cause of death: single gunshot wound to the head.

Case 2. DJAFAROV, Anvar (Asker ogly). Cause of death: incised wound to the throat.

Case 3. GUIASOV, Bakhran (Akif ogly). Cause of death: single gunshot wound to the chest.

Case 4. GOUSEINOV, Fikret (Gassan ogly). Cause of death: undetermined.

Case 5. AKHMEDOV, Elehan (Goussein ogly). Cause of death: single gunshot wound to the head.

Case 6. AKHMEDOV, Elman (Mamed ogly). Cause of death: single gunshot wound to the head.

Case 7. MAMEDOV, Kourchat (Kiyaz ogly). Cause of death: single gunshot wound to the head.

Case 8. MAMEDOV, Eldar (Chakhbaba ogly). Cause of death: single gunshot wound to the head.

Case 9. GOUILIEV, Faig (Gabil ogly). Cause of death: single gunshot wound to the head.

Case 10. NAZIROV, Ilkhan (Sadoulla ogly). Cause of death: undetermined.

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As a result of my examinations I concluded that in all 10 cases autopsy examinations had been performed in Armenia and I confirmed that autopsies had again been performed on each of the 10 individuals following receipt of the bodies in Azerbaijan. Consequently, the autopsies which I performed were the third autopsies each of these bodies was subjected to. One body (Case 4, GOUSEINOV, Fikret (Gassan ogly)) was skeletonized, one body (Case 10, NAZIROV, Ilkhan (Sadoulla ogly)) was severely putrefied and the other eight bodies showed moderate to advanced putrefaction. Tissues had been removed from the bodies at the time of the first autopsies in Armenia; these tissues and the reports of the first autopsies were not available to me. Tissue had been removed from the bodies during the second autopsies in Azerbaijan; those removed tissues which I requested access to were made available to me, and the results of the autopsies performed in Azerbaijan were made available to me verbally. All questions relating to the conduct of the autopsies in Azerbaijan were answered by Dr. Zabit Mamedov and Mr. Igor Kravets. The condition of the bodies arising from the state of putrefaction and decomposition and the conduct of two previous autopsies with the removal of some tissues, although limiting the information which could be obtained by further autopsy, did not preclude useful and productive examinations.

The essential findings in each case are set out below.

Case 1. AGEV, Roustam (Ramazan ogly)

There was a single gunshot wound to the head which entered at the right temple and exited on the left side towards the back of the head. The presence of soot deposits on the surface of the skull surrounding the entry wound indicates that the end of the muzzle of the gun was in contact with the head at the time the shot was fired. At the autopsy performed in Armenia the skin of the right temple, which included the gunshot wound of entry, was excised together with the adjacent right ear. Also presumed to have been retained at the first autopsy were several internal organs including part of the heart, the spleen and the liver together with the large bowel. These organs had been removed after the death as part of the normal conduct of an autopsy, and there is no evidence to substantiate the allegation that organs may have been removed for purposes of medical transplantation. The evidence clearly indicates that the right ear was excised after death and not during life and that it was excised as part of the autopsy procedure.

Case 2. DJAFAROV, Anvar (Asker ogly)

There was a large incised wound to the right side of the neck. This wound had been produced by multiple parallel cuts to the skin and repeated parallel cuts in the depth of the wound. The pattern of injury was typical of suicide and there were no other injuries to the body to suggest that the death was other than a suicide. There was post-mortem damage to both feet and the left knee consistent with rodent activity.

Case 3. GUIASOV, Bakhram (Akif ogly)

There was a single gunshot wound to the chest which entered on the left side just below the nipple. The bullet passed through the left lung and exited the back on the left side splintering the ninth rib. There was evidence of emergency medical treatment in the form of a surgical incision to the left side of the chest and what appeared to be an injection mark to the front of the right elbow. There was no evidence of surgical treatment of the wound to the lung suggesting that he died before the emergency surgery could be completed.

Case 4. GOUSEINOV, Fikret (Gassan ogly)

The body was skeletonized with virtually no residual soft tissues. There were a minimum of eight healing rib fractures, which must have been present many weeks or months prior to death. There were no other bony injuries. In the absence of soft tissues it was impossible to establish a cause of death. It is possible that the death was a complication of the rib fractures, such as a pneumonia.

Case 5. AKHMEDOV, Elehan (Goussein ogly)

There was a single gunshot wound to the head which entered at the right temple and exited at the left temple. The skin of the right temple, which included the gunshot wound of entry, had been excised at the first autopsy in Armenia. On the outer surface of the skull surrounding the gunshot entry wound there were soot deposits indicating that the end of the muzzle of the gun had been in contact with the head at the time the shot was fired. There were two fresh bruises to the body which had occurred during life. There was a 5 centimetre bruise to the left shin and a 6 centimetre bruise to the muscles of the front of the left shoulder, without bruising of the overlying skin in the latter injury.

Case 6. AKHMEDOV, Elman (Mamed ogly)

There was a single gunshot wound to the head which entered at the left temple and exited at the right temple. The skin of the left temple, including the gunshot wound of entry, had been excised at the first autopsy in Armenia. The outer surface of the skull of the left temple surrounding the gunshot wound of entry showed abundant soot deposits indicating that the end of the muzzle of the gun was in contact with the head at the time the shot was fired. The left ear had been excised in continuity with the skin of the left temple, which included the gunshot entry wound, at the first autopsy in Armenia. The right ear had also been excised at the first autopsy in Armenia.

Case 7. MAMEDOV, Kourchat (Kiyaz ogly)

There was a single gunshot wound to the head which entered behind the right ear and exited above the left ear. The skin surrounding the gunshot wound of entry had been excised at the first autopsy in Armenia; there were no identifiable soot deposits in the depth of the entry wound. Consequently, it is not possible to determine the range at which this shot was fired from. It is not possible to confirm or to deny that this may have been a contact wound (with

the end of the muzzle of the gun in contact with the head at the time the shot was fired). There was an 8 centimetre bruise to the right side of the forehead which was unrelated to the gunshot wound. This bruise was fresh and had occurred during life. A portion of skin at the centre of this bruise had been excised at the first autopsy in Armenia. There was post-mortem loss of some tissue from the toes of the left foot consistent with rodent activity.

Case 8. MAMEDOV, Eldar (Chakhbaba ogly)

There was a single gunshot wound to the head, entering at the right temple and exiting at the left temple. The skin of the right temple, including the gunshot wound of entry, together with the right ear in continuity had been excised at the first autopsy in Armenia. There was no identifiable soot in the depth of the entry wound. Consequently, it is not possible to determine the range of fire of the gunshot wound. It is not possible to confirm or to deny that it may have been a contact wound (with the end of the muzzle of the gun in contact with the head at the time the shot was fired). There was a post-mortem loss of skin on the wall of the abdomen in continuity with the autopsy incision and suggesting rodent activity.

Case 9. GOUILIEV, Faig (Gabil ogly)

There was a single gunshot wound to the head entering at the right temple and passing markedly backwards to exit towards the back of the head on the left side. The skin of the right temple including the gunshot wound of entry had been excised at the first autopsy in Armenia; there was no identifiable soot within the depth of the entry wound. Consequently, it is not possible to determine the range of fire of the gunshot wound. It is not possible to confirm or deny that the gunshot wound may have been a contact wound (with the end of the muzzle of the gun in contact with the skin at the time the shot was fired). There was a fresh 5 centimetre bruise to the right side of the head unrelated to the gunshot wound. This bruise had been produced during life.

Case 10. NAZIROV, Ilkhan (Sadoulla ogly)

The body was in an advanced state of putrefaction. There was no apparent injury to the body. The condition of the body did not permit a cause of death to be established.

None of the bodies showed evidence of torture or systematic beatings (except that this could not be assessed in case 4, Gouseinov Fikret (Gassan ogly) because the body was reduced to a skeleton).

Six of the 10 bodies showed a single gunshot wound to the head. In five of the six cases the entry wound was to the right side of the head and the exit wound to the left side of the head; in one of the six cases the entry wound was to the left side of the head and the exit wound to the right side of the head. In three of the six cases there were identifiable soot deposits on the outer surface of the skull surrounding the gunshot wound of entry and indicating that, in each of these three cases the muzzle of the gun had been in contact with the head at the time the shot was fired. In the other three cases, because of the loss of physical evidence as a consequence of previous autopsies and the removal

of tissue at the autopsies in Armenia, it is not possible to confirm or deny that the end of the muzzle of the gun was in contact with the head at the time the shot was fired. Of these six cases, three showed fresh bruises to the body: in one case a bruise to the right side of the head; in a second case a bruise to the right side of the forehead; in the third case a bruise to the left shoulder and a further bruise to the left shin. In three cases, one or both ears had been excised post-mortem and almost certainly at the time of the autopsies in Armenia. In two of these three cases the right ear had been excised and in the third case both ears had been excised.

I am aware that these six dead were alleged to have been shot whilst attempting to escape. The pattern of gunshot wounds is not consistent with such an explanation. The common pattern of gunshot wounds to the head, with three of the six wounds being definite contact wounds, is strongly suggestive of execution-type shootings.